



**CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
Thursday, February 12, 2015 (Postponed from 2/9/15)  
Common Council Chambers – 6:00 PM**

**NOTES:** (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings are conducted after open public speaking and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on February 12, 2015 (rescheduled from 2/9/15 due to inclement weather) in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte.

**BOARD/ALTERNATE MEMBERS PRESENT:** Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Jamie Mills and William Tubby.

**BOARD/ALTERNATE MEMBERS ABSENT:** Robert Jacobsen and Jonathan Korn.

**OTHERS PRESENT:** Alderman Brad Will, Planning Board Liaison.

**GENERAL NOTES:**

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

**REGULAR BUSINESS:**

**Item #1:** Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke during the open public speaking portion of the meeting. Chairman Platte closed the open public speaking.

**Item #2:** Adoption of the December 8, 2014 Planning Board minutes. (The January 2015 meeting was cancelled due to inclement weather.)

**Discussion:** W. Platte asked the Board members if they had time to review the minutes and if there were any corrections or comments. The Board agreed that they had no issue with the minutes as written.

**Decision:** The Board voted unanimously to approve the minutes as written. (WP, MW, JD, CP, JM – yes)

### **PUBLIC HEARINGS:**

**Item #3:** #492, 494 & 500 Wilbur LOT LINE REVISION of the Lands of the Howard W. Johnson and Melissa Cody. SBL 56.33-2-5, 4, & 3. SEQR Determination. Zone O-2 & RRR, HAC. Ward 5. Howard W. Johnson & Melissa Cody; applicants/owners.

**Discussion:** No one spoke at the public hearing. Howard Johnson and Joshua Cody, son of Melissa Cody, were present at the meeting. H. Johnson explained that he and the Cody's purchased the parcel between their properties from the City of Kingston in June 2014. Since then, they removed the house that was on it and are now seeking to divide the property into two equal parts and combine those parts with their existing parcels.

A lot line revision map, drawn by Robert L. Campbell, L.S. dated 1/14/15, was presented to the Board. The property to be divided is 50' x 134.20'. Half of the property (25'x134.20') will be added to Howard Johnson's 100'x134.20' for a total of 125'x134.20'. The other half will be added to Melissa Cody's 50'x100' for a total of 75'x100'.

The properties are in two different zones. The resultant lot to be owned by Howard Johnson is in the O-2 zone. There is no minimum area or width for the O-2 zone and the requirement for depth is 100' which will be met. Melissa Cody's resultant property will be in two zones, the RRR and the O-2. The lot size requirement for the RRR is 100'x125'. The resultant property does not meet the width requirement, however, it is more conforming than the current configuration.

The applicants were made aware that the lot line deletion/combination does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

The applicants were also advised that written descriptions need to be submitted and reviewed by staff prior to the Chairman's signature.

The lot line revision was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

**Decision:** The Board voted unanimously to render a negative declaration of environmental significance and approve the lot line revision with the following conditions: 5 paper copies and 1 mylar copy submitted for the Board chairman's signature, written descriptions of the resultant parcels, and Board Policy #6 – owner's signatures on the maps. (WP, MW, JD, CP, JM – yes)

**Item #4:**      #131 Fair Street SPECIAL PERMIT renewal to operate a 5 room Bed & Breakfast in an existing structure. SBL 56.107-3-4. SEQR Determination. Zone R-2/Fair Street Historic District. Ward 5. Alicja Kowalska; applicant/owner.

**Discussion:** No one spoke at the public hearing. Alicja Kowalska was present at the meeting. The application is to renew the special permit for a 5 room Bed & Breakfast in the R-2 zone. The application was originally approved in October 2010 and renewed in 2011, 2012, 2013, and 2014 for 1 year.

Staff informed the Board that the applicant also applied for and received a variance from the Zoning Board of Appeals to operate the additional use of a “Tea Room” out of the house. The tea room offers teas and small sandwiches/snacks for patrons and small parties. The Board saw no issue with the operation of a tea room. The use is complimentary to the B&B and fits well into the size of the home. W. Platte complimented A. Kowalska on the appearance of the home and the B&B remembering when the Board visited the house in 2010.

Bed & Breakfasts are allowed by special permit in the Fair Street Historic District as long as they meet the requirements listed in Section 405-45. The applicant has confirmed that she meets the requirements except for the restriction on no other use being permitted. This restriction has been addressed by receiving a variance from the ZBA for the additional use of the tea room.

There are no outstanding issues or complaints listed with the Building Safety Division.

A term for the special permit renewal for the 5 rooms was discussed. By Code the maximum term is 1 year. The Board agreed to continue the 1 year term.

A determination of environmental significance was considered. The project was considered Type II action under SEQR, NYCRR Part 617.5 and does not require a determination as such.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a 5 room Bed & Breakfast with all original conditions carried forward and with the additional use of the home as a tea room. (WVP, CP, JD, MW, JM – yes)

**Item #5:**      #90 Abeel Street SPECIAL PERMIT renewal to operate a Bed & Breakfast. SBL 56.43-5-4. SEQR Determination. Zone RT, Rondout Historic District. Ward 8. Maria and Hendrik Dijk; applicant/owner.

**Discussion:** No one spoke at the public hearing. Maria Dijk was present at the meeting. The application is to renew the special permit for a Bed & Breakfast/Inn. The B&B/Inn was first approved in 2014 for a period of 1 year.

The requirements of Bed & Breakfasts are listed in the Zoning Code under section 405-45. Compliance with this section is required for renewals. Bed & Breakfasts are allowed by special permit in the Rondout Historic District but require annual renewals.

W. Platte asked the applicant how the business was doing. M. Dijk stated that she had been doing well through the fall but that she suspended renting the space over the extended holiday season. She is beginning to offer it as a rental for the 2015 year now.

M. Dijk said that she had been advertising on the Air B&B website.

The Building Safety Division inspected the space and found no issues with the rental.

The Board discussed a term for the special permit. The term for B&B's limited to 1 year. The Board agreed to continue the 1 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and does not require a determination as such.

**Decision:** The Board voted unanimously to render the application a Type II under SEQR and to approve the special permit renewal for a period of 1 year to expire on February 12, 2016. (WP, JM, JD, MW, CP – yes)

#### **OLD BUSINESS:**

**Item #6:**      **#20 North Street** SPECIAL PERMIT to rent 2 rooms in an owner occupied home. SBL 56.36-1-25. SEQR Determination. Zone RF-R. Ward 8. Aldo & Elenice Sensini; applicant/owner.

**Discussion:** Aldo and Elenice Sensini were present at the meeting. The application is for a special permit to rent 2 rooms. The structure being discussed is already a 2-family home. The property owners reside in one of the units.

This information was confirmed with the Assessor's Office as they are receiving a STAR exemption for this location and was also confirmed with housing inspector for the BSD. Owner occupancy is a requirement of renting rooms.

Board members asked the owners how many bedrooms were in the structure. A. Sensini told the Board that there 4 bedrooms in the upstairs apartment where he and his wife reside and that there are 3 bedrooms in the 1<sup>st</sup> floor apartment. He explained that he and his wife would like to rent out 2 rooms in their unit. The Board asked how many bathrooms are in the upstairs unit. A. Sensini stated that there is only 1 bathroom that they would share. The Board asked whether there were currently any tenants in the space. A. Sensini said that the downstairs apartment was vacant but that he had potential tenants lined up. He added that he does not have anyone to rent the rooms at this time.

The Board asked whether there is any off street parking for the structure. A. Sensini said that there is no driveway and explained that the residents park on the street. Renting rooms does not require additional parking under the zoning code. However, the 2 family structure requires 4 spaces without the additional room rental.

The Board questioned renting rooms in a 2-family home. There is a requirement that the home be owner occupied but the question of multiple uses was a concern of the Board. W. Platte asked staff to discuss this request with Corporation Counsel.

W. Platte asked the applicant about a complaint that was listed with the Building Department regarding work being done without a permit for creation of a boarding house. A. Sensini state that he had not done any work to the structure. The rooms that he would like to rent were used by his children when they still lived home. He said that the apartment is very big for 2 people.

The Board agreed to table the application to allow staff additional time to discuss the multiple rental uses with the Zoning Officer and Corporation Counsel.

**Decision:** The Board voted unanimously to table the application. Staff will request an opinion from the Corporation Counsel's Office regarding renting rooms in addition to the structure being a 2 family home. (WP, JD, MW, CP, JM – yes)

**Item #7:**      **#474 Broadway** SITE PLAN for renovations to an existing commercial building. SBL 56.26-9-29.100. SEQR Determination. Zone C-2, BODD. Ward 5. LA Kingston, Lillian & Arthur Nazginov; applicant/owner.

**Discussion:** The project architect requested that the Board table the application because he was unable to attend the rescheduled meeting date.

**Decision:** The Board voted unanimously to table the application. The item will be placed on the March 9, 2015 meeting agenda. (WP, CP, JD, MW, JM – yes)

#### **NEW BUSINESS:**

**Item #8:**      **#9-11 Downs Street** SITE PLAN for operation of an auto sales facility. SBL 56.25-1-22. SEQR Determination. Zone C-3. Ward 4. Serafim Tsiamis/owner.

**Discussion:** Serafim Tsiamis was present at the meeting. The application is to request approval for a site plan for used car sales. Although the owner has been operating out of this location, the plan was never approved by the Planning Board. S. Tsiamis stated that the business name is "ST's Used Cars" and that he has been operating at this location for 16 years.

The Board reviewed the site history provided by the Planning Office. The initial letter from the Building Department was in January 2009 advising the owner that he would need to submit an application to the Planning Board. A follow up letter was sent in February 2009 with a re-inspection fee. A response letter was sent from Joseph Pisani, Esq., dated February 12, 2009, advising the Building Safety Division that the owner had retained him as legal counsel. In December 2014, the BSD sent another letter stating that they had inspected the property and found debris, car parts, and tires. The owner was instructed to remove the debris and file a site plan application with the Planning Office.

The owner submitted photos of the site to show that he had removed the debris and cleaned up the site.

The property contains a residential structure and a rear garage where the auto sales facility is located. The residential portion of the property is registered with the Building Safety Division under Landlord Registration for 2 apartment units. The owner does not reside in the house.

The Board should ask the owner to explain the day to day operations of the facility. The project narrative states that the owner is the only full time employee and that the hours of operation are Monday – Friday from 9am-6pm and Saturdays from 10am-5pm. Staff questioned whether the vehicles are sold online or whether people stop by to look at the inventory. S. Tsiamis said that he has gotten to know people over the years and that many of his sales are repeat customers.

The Board asked whether any other operations take place on the property i.e. auto repair or washing. The applicant said that he only repairs his own vehicles and the vehicles he has for sale. W. Platte questioned how fluids are handled. The applicant stated that he contains any fluids that are removed from the vehicle and that he disposes of oil with people that use it for heating. W. Platte asked whether the ground cover was asphalt or gravel. The owner said that it is gravel.

Staff explained that site plan that was submitted was not clear enough to determine where vehicles are parked and where storage areas are located. The applicant was asked to provide a more detailed plan showing the locations of the building, the driveway and the parking areas. Parking spaces are required to be 9'x18'. Staff also questioned whether any easements or shared rights exists for the driveway. The owner said that there are no easements or agreements. A copy of the deed should be submitted as well.

M. Wiltshire agreed that additional information should be provided.

Staff asked where the tenants park. The owner said that they park on the street. Staff asked whether they were permitted to park in the rear, especially during snow emergencies. S. Tsiamis said that they could park in the rear or in the driveway. Off street parking is required for the tenants.

**Decision:** The Board voted unanimously to table the application and request that additional information be provided including a more detailed site plan showing the building locations, driveways, parking spaces for vehicles for sale and for tenants of the house, and storage areas. The Board also requested additional information be provided on the storage and disposal of vehicle fluids and the overall operations of the site. (WP, JM, JD, MW, CP – yes)

#### **EXTENSION:**

**Item #9:**      **#32 Abeel Street** REQUEST FOR EXTENSION of the approved site plan for the Irish Cultural Center. SBL 56.43-5-35.100. Irish Cultural Center; applicant/owner.

NOTE: John Dwyer recused himself from the Planning Board to represent the Irish Cultural Center.

**Discussion:** John Dwyer was present at the meeting. He explained that Robert Carey, President of the Irish Cultural Center, submitted a letter off to the Planning Office, dated 1/9/15, requesting an extension for the approved site plan for the Irish Cultural Center. J. Dwyer explained that the main reason for the delay is to continue fundraising. He added that many times, groups will begin a project and not be able to continue because they do not have the funds. The ICC does not want to move forward until they are in a good position to do so. J. Dwyer explained that all the fundraising will go toward the materials. The labor is being donated. He also told the Board that they have already installed the sewer and water to the site as well as the stormwater piping from the parking lot on the opposite side of Abeel Street. The group installed the utilities prior to the Abeel Street reconstruction so that the street and sidewalk would remain intact after the roadwork was completed.

**Decision:** The Board voted unanimously to approve the extension of the site plan approval for the Irish Cultural Center for 1 year. (WP, CP, MW, JM, WT – yes)

Feb 12.15/MINUTES